



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Sterum Properties Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, OLC, OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the tenants for orders setting aside a notice to end this tenancy and compelling the landlord to comply with the Act and an application by the landlord for an order of possession, a monetary order and an order authorizing him to retain the security deposit. Despite having been served with the landlord's application for dispute resolution and notice of hearing via registered mail sent on August 15, 2014, the tenants did not participate in the conference call hearing.

As the tenants did not appear at the hearing to advance their claim, their claim is dismissed without leave to reapply.

Issues to be Decided

Is the landlord entitled to an order of possession?
Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy began on March 1, 2014 at which time the tenants paid a \$440.00 security deposit. Rent was set at \$875.00 per month and was due in advance on the first day of each month. The tenants failed to pay rent in August and on August 2, the landlord served them with a 10 day notice to end tenancy for unpaid rent (the "Notice") by posting the Notice to the door of the rental unit. The tenants further failed to pay rent in September and October.

The landlord seeks an order of possession, unpaid rent for September and loss of income for September and October as well as recovery of the \$50.00 filing fee paid to bring the application.

Analysis

I accept the landlord's undisputed evidence and I find that the tenants received the Notice on August 5, 3 days after it was posted on the door of the rental unit. The tenants did not pay the rental arrears and did not apply to dispute the Notice and are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. I grant the landlord an order of possession which must be served on the tenants and may be filed in the Supreme Court for enforcement.

I find that the tenants failed to pay rent for the month of August and I find that because the tenants failed to pay occupational rent and did not vacate the rental unit, the landlord lost income for the months of September and October. I award the landlord \$2,625.00 which represents 3 months' rent.

As the landlord has been successful in his claim, I find he should recover the filing fee and I award him \$50.00.

The landlord has been awarded a total of \$2,675.00. I order him to retain the \$440.00 security deposit in partial satisfaction of the claim and I grant him a monetary order under section 67 for the balance of \$2,235.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenants' claim is dismissed without leave to reapply. The landlord is granted an order of possession and a monetary order for \$2,235.00.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: October 08, 2014

Residential Tenancy Branch

